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REMARKS

Claims 1, 11, 12, 14, 15, 18, 20, 26, 38, 42, 46-47, 55, 59, 61, 66, and 67 are amended hereby. Claims 2-6, 9-10, 13, 16-17, 19, 25, 37, 54, 57-58, 60, 62, and 65 are canceled hereby. No new claims are added. Accordingly, after entry of this amendment, claims 1, 7-8, 11-12, 14-15, 18, 20-24, 26-36, 38-53, 55-56, 61, 63-64, and 66-72 will remain pending.

In the Office Action dated May 24, 2005, the Examiner reported that the verbal Restriction Requirement with respect to claim 56 had been withdrawn. The Applicant would like to thank the Examiner for the withdrawal of the Restriction Requirement.

Claims 37-38 were objected to for claim informalities. The Applicant has amended the claims and believes that this objection has been overcome. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objection to claims 37-38.

In the Office Action, the Examiner rejected claim 52 under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. Claims 1-55 and 57-72 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Applicant has amended the claims and believes that the rejection has been addressed. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112, first paragraph.

Claims 1-72 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner rejected the claims for not being "within the technical arts." The Applicant respectfully disagrees with this rejection and, therefore, respectfully traverses the same.

In response, the Applicant respectfully directs the Examiner's attention to the precedential decision by the Board of Patent Appeals and Interferences (the "Board") in Ex parte Lundgren, Appeal No. 2003-2088 (heard April 20, 2004). In that decision, the Board rejected the Examiner's rejection of claims under 35 U.S.C. § 101, stating that there is no "technical arts" test to be applied against pending claims. (Ex parte Lundgren at pages 7 - 9.) As the present invention is directed to a method, *a la* Ex parte Lundgren, the Applicant respectfully submits that the Examiner's rejection is contrary to that decision and, accordingly, must be withdrawn. Accordingly, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 101.

In the Office Action, the Examiner also rejected claims 1, 7, 9, 12, 15, 18, 23, 34-35, 39, 48-55, 57, and 59 under 35 U.S.C. § 102(e) as anticipated by Rosenblatt (U.S. Patent No.

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6,711,548). Claims 2-6 and 41-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosenblatt in view of Daughtrey (U.S. Patent No. 6,801,226). The Examiner also rejected claims 8 and 58 under 35 U.S.C. § 103(a) as unpatentable over Rosenblatt in view of AirCharter (internet reference). Claims 10, 11, 13-14, 16-17, 19-22, 24-26, and 28-33 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rosenblatt in view of the Examiner's Official Notice. In addition, the Examiner rejected claims 27, 40, 52, 54, and 70 under 35 U.S.C. § 103(a) as unpatentable over Rosenblatt in view of Daughtrey. Claim 56 was rejected under 35 U.S.C. § 103(a) as unpatentable over Shemesh (U.S. Patent No. 6,847,939) in view of BidJetCharter (internet reference). Next, the Examiner rejected claims 36, 37, 38, and 71 under 35 U.S.C. § 103(a) as unpatentable over Rosenblatt in view of Shemesh. Claims 53-55 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rosenblatt in view of Ahlstrom et al. (U.S. Patent No. 4,862,357). Finally, claim 72 was rejected under 35 U.S.C. § 103(a) as unpatentable over Rosenblatt in view of Shemesh and BidJetCharter. The Applicant respectfully disagrees with each of these rejections and, therefore, respectfully traverses the same.

Claims 1, 7-8, 11-12, 14-15, 18, 20-24, 26-36, 38-53, 55, 59, 61, 63-64, and 66-72 are patentably distinguishable over the references cited because they recite a method and system for pricing and reserving that combine a number of features including, among them, identifying suitable aircraft by determining the status of each charter aircraft and determining a charter price by calculating a flight factor. None of the references relied upon by the Examiner describe or suggest the features as combined by these claims. Accordingly, the Applicant respectfully submits that claims 1, 7-8, 11-12, 14-15, 18, 20-24, 26-36, 38-53, 55, 59, 61, 63-64, and 66-72 are patentable thereover. As a result, the Applicant respectfully requests that the Examiner withdraw the rejection with respect to these claims.

Rosenblatt describes a distributed computer network air travel scheduling system and method. Rosenblatt, however, does not describe a method and system that combines the features recited by claims 1, 7-8, 11-12, 14-15, 18, 20-24, 26-36, 38-53, 55, 59, 61, 63-64, and 66-72 including, for example, identifying suitable aircraft by determining the status of each charter aircraft and determining a charter price by calculating a flight factor. Accordingly, Rosenblatt cannot be said to anticipate or render obvious any of these claims. Since the remaining references fail to correct at least these deficiencies in Rosenblatt, the remaining references cannot be relied upon properly to sustain a rejection of the claims.

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Daughtrey describes a graphical user interface for a travel planning system. While Daughtrey describes many aspects associated with pricing commercial airline tickets, the reference does not discuss anything about charter aircraft pricing, which involves a variety of factors that cannot be said to be contemplated by Daughtrey. Moreover, Daughtrey does not discuss, among other things, either a method or a system including identifying suitable aircraft by determining the status of each charter aircraft and determining a charter price by calculating a flight factor. As a result, the Applicant respectfully submits that the combination of Daughtrey with Rosenblatt cannot render obvious any of claims 1, 7-8, 11-12, 14-15, 18, 20-24, 26-36, 38-53, 55, 59, 61, 63-64, and 66-72. Accordingly, the Applicant respectfully requests that the Examiner withdraw this rejection under 35 U.S.C. § 103(a).

AirCharter, the Examiner's Official Notice, Shemesh, Ahlstrom et al., and BidJetCharter all suffer from the same deficiency as Daughtrey. Accordingly, so as not to burden this response needlessly with a discussion of each of these references, and for the sake of brevity and simplicity, the Applicant respectfully submits that none of the combinations listed by the Examiner provide a sufficient basis for rejecting any of claims 1, 7-8, 11-12, 14-15, 18, 20-24, 26-36, 38-53, 55, 59, 61, 63-64, and 66-72. Accordingly, the Applicant respectfully requests that the Examiner also withdraw the remaining rejections under 35 U.S.C. § 103(a).

In addition, the Applicant respectfully submits that claim 56 is patentable over the combination of Shemesh and BidJetCharter because this claim recites a method of bidding on and reserving charter aircraft services including, among other features, receiving an initial charter price bid that is equal to or greater than the starting price set by the charter aircraft operator and enabling users to specify at least one higher charter price bid before the auction end time. Shemesh describes a system and method for conducting on-line auctions. Nothing in Shemesh concerns auctions for charter aircraft services. BidJetCharter does not assist the Examiner in fashioning a rejection of claim 56 because BidJetCharter operates such that the charter aircraft operators bid on the itinerary input by the user. This is quite different from the method recited by claim 56. Accordingly, the Applicant respectfully submits that the rejection is improper and respectfully requests that the Examiner withdraw the rejection.

All of the rejections having been addressed, the Applicant respectfully requests that the Examiner withdraw the rejections and pass this application to issue. Should the Examiner

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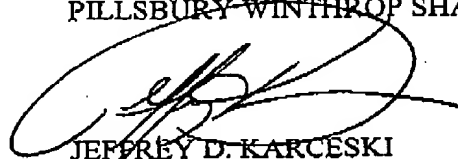
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identify any issue remaining to be addressed, the Examiner is invited to contact the Applicant's representative.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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